

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

OTELS, INC.,)	
)	
Plaintiff,)	
v.)	Civil Action No. 1:11-cv-604-AJT-JFA
)	
METIN ALTUN, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

ORDER

This matter is before the Court on the Report and Recommendation (Doc. No. 73) of the Magistrate Judge recommending: (1) that default judgment be entered against defendant MetGlobal, Inc. in favor of plaintiff Otels, Inc. and (2) that an Order be entered permanently enjoining defendant MetGlobal, Inc., along with its officers, agents, servants, employees, attorneys, and other persons who are in active concert or participation with it and who receive actual notice of the order, from using the OTELS trademark, any other mark or name that includes OTELS, or any other mark confusingly similar to the OTELS trademark, including OTEL and OTEL.COM.

On February 17, 2012, the parties filed a stipulation of dismissal as to Otels, Inc.'s claims against defendant Metin Altun and Altun's counterclaims against Otels, Inc.; the Court entered that order on February 23, 2012. Doc. Nos. 63 and 65. On May 16, 2012, plaintiff filed its Motion for Default Judgment against MetGlobal, Inc., the only remaining defendant. Doc. No. 68. The Magistrate Judge issued a Report and Recommendation on that motion on June 13, 2012. Doc. No. 73. On June 27, 2012, Metin Altun, who is no longer a party to the case, filed an Objection to the Report and Recommendation in his individual capacity and not on behalf of

MetGlobal, Inc., with whom he disclaims any connection. Doc. No. 74. However, the applicable statute states that after 14 days of being serviced with a Report and Recommendation, “*any party* may serve and file written objections to such proposed findings and recommendations as provided by rules of court.” 28 U.S.C. § 636 (emphasis added). Metin Altun is no longer a party to this case so his objections are not properly before the Court. Accordingly, those objections were not considered. Otherwise, the Court conducted a *de novo* review of the evidence in this case and adopts and incorporates the findings and recommendations of the Magistrate Judge. Accordingly, it is hereby

ORDERED that Metin Altun’s Objection to the Report and Recommendation (Doc. NO. 74) be, and the same hereby is, STRICKEN; and it is further

ORDERED that Otels, Inc.’s Motion for Leave to File a Responsive Brief to Non-Party Metin Altun’s Objection (Doc. No. 76) be, and the same hereby is, GRANTED and the Court has considered Otels, Inc.’s Response to Non-Party Metin Altun’s Objection to Proposed Findings of Fact and Recommendations of Magistrate Judge (Doc. No. 78); and it is further

ORDERED that Otels, Inc.’s motion for default judgment (Doc. No. 68) be, and the same hereby is, GRANTED; and it is further

ORDERED that default judgment be, and the same hereby is, ENTERED against defendant MetGlobal, Inc.; and it is further

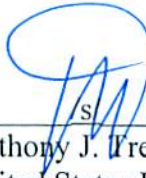
ORDERED that that MetGlobal, Inc., along with its officers, agents, servants, employees, attorneys, and other persons who are in active concert or participation with it and who receive actual notice of the Order, be, and same hereby are, ENJOINED from using the OTELS trademark, any other mark or name that includes OTELS, or any other mark confusingly similar to the OTELS trademark, including OTEL and OTEL.COM.

The Clerk is directed to enter judgment in accordance with this Order pursuant to Fed. R. Civ. P. 58 and to forward copies of this Order to all counsel of record and to MetGlobal, Inc. at:

Salli Saunders
3500 S. DuPont Highway
Dover, DE 19901

Suat Kantarci
330 West 38th Street
#202
New York, NY 10018

Leo T. Kehoe, C.P.A.
Offices of Leo T. Kehoe, Certified Public Accountant
330 West 38th Street
Suite 909
New York, NY 10018



Anthony J. Frenga
United States District Judge

Alexandria, Virginia
August 13, 2012